

1 JUDGE ROBERT S. LASNIK
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,) NO. CR20-127RSL
11 Plaintiff,) UNOPPOSED MOTION TO CONTINUE
vs.) TRIAL AND PRETRIAL MOTIONS DUE
12 GARY BOWSER,) DATE
Defendant.)

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14 Defendant, Gary Bowser, by his attorney, Assistant Federal Public Defender
15 Christopher M. Sanders, respectfully requests that this Court continue the currently set
16 trial date of February 1, 2021, and the pretrial motions deadline. The parties' request is
17 based on the complexity of the case and defense counsel's inability to contact Mr.
18 Bowser. Assistant United States Attorneys Francis Franze-Nakamura, Brian Werner,
19 and Frank Lin do not object to this motion.

20 In support of the motion, the defense states the following:

21 On August 20, 2020, an Indictment was filed charging Mr. Bowser with
22 Conspiracy to Commit Wire Fraud (Count 1), in violation of Title 18 U.S.C. § 1343;
23 Wire Fraud (Counts 2-5), in violation of Title 18 U.S.C. § 1343; Conspiracy to
24 Circumvent Technological Measures and to Traffic in Circumvention Devices (Count
25 6), in violation of Title 17 U.S.C. §§ 1201(a)(1)(A), 1204(a)(1) and 1201(a)(2)(A);
26 Trafficking in Circumvention Devices (Counts 7-10), in violation of Title 17 U.S.C. §§

1201(a)(2)(A) and 1204(a)(1); and Conspiracy to Commit Money Laundering (Count
 11), in violation of Title 18 U.S.C. § 1956.

Mr. Bowser was arrested on a warrant in New Jersey on October 2, 2020, and brought before Magistrate Judge Mary Alice Theiler on November 25, 2020, for his initial appearance and arraignment. Mr. Bowser pled not guilty to the charges and trial was set for February 1, 2021, with pretrial motions due by December 16, 2020. At the December 3, 2020 detention hearing Mr. Bowser was ordered detained and remains at the Federal Detention Center SeaTac.

This is a complex technology based case that contains multiple counts. The Government indicates that there are multiple terabytes of data that will be disclosed as a part of the discovery process. Further complicating the case is the fact that it involves multiple co-defendants. Defense counsel cannot be ready for trial within the requisite time period set forth by the Speedy Trial Act with those realities in mind.

For these reasons, Mr. Bowser requests the Court find that:

(a) taking into account the exercise of due diligence, a failure to grant a continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

(b) a failure to grant a continuance would likely result in a miscarriage of justice as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested will be a reasonable period of delay, as the defendant has requested more time to prepare for trial, to investigate the matter, to gather evidence material to the defense, and to consider possible defenses; and

(d) the additional time requested between the current pretrial motions due date of December 16, 2020, and any newly scheduled motions date will be necessary to

1 provide counsel for the defendant reasonable time to prepare for any motions that we
2 are currently investigating.

3 I have not been able to discuss with Mr. Bowser the Speedy Trail Waiver nor
4 obtain his permission to sign on his behalf because the current COVID-19 outbreak at
5 the detention center and quarantine conditions. As soon as I am able, a Speedy Trial
6 Waiver will be filed with the Court pursuant to the Speedy Trial Act, 18 U.S.C. §§
3161-3174.

7 Accordingly, defense counsel requests to continue the trial date and the motions
8 deadline.

9 DATED this 17th day of December, 2020.

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11 Respectfully submitted,

12 s/ *Christopher M. Sanders*
13 Attorney for Gary Bowser
14 Office of the Federal Public Defender
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UNOPPOSED MOTION TO
CONTINUE TRIAL AND PRETRIAL
MOTIONS DUE DATE - 3
(Gary Bowser; CR20-127RSL)

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